

INTRODUCTION TO THE HAZARDOUS MATERIALS BUSINESS PLAN

CHAPTER 6.95-HEALTH AND SAFETY CODE, DIVISION 20, (AB 2185 & AB2189)

A Hazardous Materials Business Plan (HMBP) contains basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of by businesses operating in the state. Chapter 6.95 of the Health and Safety Code establishes minimum statewide standards for HMBPs.

The HMBP includes three elements:

- I. Business Activities and Owner/Operator Identification**
- II. Chemical Inventory and Site Map**
- III. Emergency Response Plan and Employee Training**

The Santa Clara City Fire Department is the local Certified Unified Program Agency (CUPA) responsible for implementing and enforcing California state hazardous materials laws and regulations related to the unified programs.

Santa Clara City Fire Department periodically conducts inspections to:

- Ensure compliance with existing laws and regulations including HMBP requirements.
- Identify existing safety hazards that could cause or contribute to an accidental spill or release.
- Suggest preventive measures designed to minimize the risk of a spill or release of hazardous materials.

Each business shall prepare a HMBP using the California Environmental Reporting System (CERS) if that business uses, handles, or stores a hazardous material (including hazardous waste) or an extremely hazardous material in quantities greater than or equal to the following:

- 500 pounds of a solid substance
- 55 gallons of a liquid
- 200 cubic feet of compressed gas
- Extremely hazardous substances (EHS) in threshold planning quantities as defined in 40CFR Part 355

See second page for information on EHS and reporting exemptions

CERS

The California Environmental Reporting System (CERS) is a statewide web-based system to support CUPAs and Participating Agencies (PAs) in electronically collecting and reporting various hazardous materials related data as mandated by the California Health and Safety Code and new 2008 legislation (AB 2286). Starting January 1, 2013, all businesses that have facilities regulated by a CUPA are required to submit unified program information to the CUPA through CERS. This includes information related to your:

- Unified Program Facility Permit
- Hazardous Materials Business Plan (HMBP)
- Hazardous Waste
- Hazardous Waste Onsite Treatment
- Hazardous Waste and Hazardous Materials Tank Closures
- Remote Waste Consolidation
- Recyclable Materials Reports
- Underground Storage Tanks (UST)
- Aboveground petroleum storage over 1,320 gallons (APSA/SPCC)

Extremely Hazardous Substances

You must report extremely hazardous substances in quantities equal to or greater than the Threshold Planning Quantities, as established in the Federal Register, on April 22, 1987 and as amended on February 25, 1988. A list of Extremely Hazardous Substances is available upon request from this office or on the EPA website. See 40 CFR part 355.

Exemptions to HMBP Reporting

Some hazardous materials have different reporting thresholds than the standard 55 gallons, 200 cubic feet, and 500 pounds. The thresholds at which these materials become reportable, and thus must be included on a HMBP, are listed below.

Hazardous Materials Exemption Chart	
HAZARDOUS MATERIAL TYPE	
Carbon Dioxide (CO ₂)	Report if facility handles at any one time during the reporting year cryogenic, refrigerated, or compressed gas in quantities > 1,000 cubic feet at standard temperature and pressure. [HSC 25507]
Compressed Air used in Emergency Response	No requirement to report in CERS. Compressed air in cylinders, bottles, and tanks used by fire departments and other emergency response organizations (public agency) for the purpose of emergency response and safety. [HSC 25507]
Consumer Products-Retail Establishment*	No requirement to report in CERS if all specified conditions are met. [HSC 25507]
Fluid in hydraulic system	Report if the combined storage capacity of oils (including used oil) at the facility is ≥ 1,320 gallons. [HSC 25507]
Gases – Refrigerants	No requirement to report in CERS. Closed cooling systems containing fluorocarbons, chlorocarbons and chlorofluorocarbons used for air conditioning and refrigeration. No requirement to report in CERS. Refrigerant gases, other than ammonia or flammable gas in a closed cooling system that are used for comfort or space cooling for computer rooms. [HSC 25507]
Inert Gas – Simple Asphyxiation or Release of Pressure <i>This applies for a hazardous material that is a compressed gas, at standard temperature and pressure, and for which the <u>only</u> health and physical hazards are simple asphyxiation and the release of pressure. Cal/EPA has developed guidance to determine if a material qualifies for this reporting threshold:</i> http://www.calepa.ca.gov/CUPA/Bulletins/2012/June7UP1106.pdf	The reporting quantity is ≥ 1,000 cubic feet. NOTE: Except for carbon dioxide referenced above, reporting of a liquefied gas in a cryogenic physical state remains unchanged and is reportable at ≥ 200 cubic feet. [HSC 25507]
Irritant or Sensitizer only <i>This applies for a solid or liquid hazardous material that is classified as a hazard <u>solely</u> as an irritant or sensitizer. Cal/EPA developed guidance to determine if a material qualifies for this reporting threshold:</i> http://www.calepa.ca.gov/CUPA/Bulletins/2012/June7UP1107.pdf	The reporting quantity is ≥ 5,000 pounds for solids or ≥ 550 gallons for liquids. [HSC 25507]

Lubricating Oil	<p>Report lubricating oil if volume of each type exceeds 55 gallons or the total volume of all types exceeds 275 gallons. [HSC 25507]</p> <p>NOTE: Does not apply to used oil which is reportable at \geq 55 gallons.</p>
Specified Medical Gases	<p>Report at \geq 200 cubic feet unless the conditions below apply:</p> <p>Report if \geq 1000 cubic feet for oxygen, nitrogen, and nitrous oxide maintained by a physician, dentist, podiatrist, veterinarian, pharmacist, or emergency medical service provider. [HSC 25507]</p>
Oil-Filled Electrical Equipment (not contiguous to an electric facility)	Report if the aggregate storage capacity of oil (including used oil) at the facility is \geq 1,320 gallons. [HSC 25507]
<p>Authorized Paint Care Facility</p> <p>http://www.paintcare.org/paintcare-states/california/</p>	<p>Report paint \geq 55 gallons or > 500 pounds unless the conditions below apply:</p> <p>Report the paint when the authorized Paint Care business handles at any one time during the reporting year a total weight of 10,000 pounds of solid hazardous materials or a total volume of 1,000 gallons of liquid hazardous materials. [HSC 25507]</p>
<p>Unstaffed Remote Facilities</p> <p>(conditional reporting requirements do apply)**</p>	<p>Located in an isolated sparsely populated area if the types & quantities <u>are limited</u> to one or more of the following: [HSC 25507.2]</p> <ul style="list-style-type: none"> • 1000 cubic feet of compressed gases (asphyxiation and pressure hazard only) • 500 gallons of combustible liquids used as a fuel • Corrosive liquids not to exceed 500 pounds of extremely hazardous substances, used as electrolytes, and in closed containers • 500 gallons lubricating and hydraulic fluids • 1,200 gallons of flammable (hydrocarbon) gas used as fuel • Report quantity of mineral oil contained within electrical equipment, such as transformers, bushings, electrical switches, and voltage regulators, if the spill prevention control and countermeasure (SPCC) plan has been prepared for quantities that meet or exceed 1,320 gallons

HAZARDOUS MATERIALS BUSINESS PLAN

FREQUENTLY ASKED QUESTIONS

What is the point of a HMBP?

The HMBP serves to better prepare emergency response personnel for handling emergencies which could occur at your facility. When implemented, your HMBP will become a valuable tool, aiding you and your employees to manage emergencies.

How will electronic reporting benefit businesses and agencies?

Electronic reporting will save time and resources by allowing all of the following:

- Businesses and their contractors can quickly access, update, and submit Unified Program information
- Multi-jurisdictional businesses can submit required information through a single reporting system
- Emergency Responders can quickly see a facility's current hazardous materials inventory and site maps

How can I make the reporting of hazardous materials easier on CERS?

Rather than listing each chemical individually, you may aggregate materials by hazard class and storage areas. For example, if you have 20 little containers of a flammable material in one location, make only 1 entry as “flammable liquid”.

I have submitted my HMBP through CERS, what is next?

The HMBP Specialist will review the HMBP. If any element of the HMBP is found to be deficient, it must be amended and resubmitted through CERS within 30 days.

Hazardous Materials Business Plans must be submitted within 12 months of your last submittal and/or 30 days of any substantial changes to your facility's operations.

Substantial changes include:

- A 100% or greater increase in quantity of a hazardous material previously reported
- Any handling of a previously undisclosed hazardous material subject to the inventory requirements of a HMBP
- Deleting a previously disclosed hazardous material
- Any change in the storage, location or use of hazardous materials, which could affect an emergency response
- A substantial change in the handler's operations
- Any change in business name, ownership or address

How do I recertify my HMBP from last year?

A full HMBP is required annually. CERS keeps your previously-submitted information, so that you do not need to start a submittal from scratch each year.

Is the HMBP related to the Emergency Planning and Community Right-to-Know Act (EPCRA)?

EPCRA was enacted by Congress to help local communities protect public health, safety, and the environment from chemical hazards. When properly completed and implemented, HMBPs meet EPCRA Tier II Reporting requirements.